

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TAJUDIN JARALAH

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:09cv180-DPJ-FKB

SODEXO, INC., ET AL.

DEFENDANTS

ORDER

This matter is before the Court on Defendant's motion to compel Plaintiff to post security on appeal [59] and Plaintiff's Motion to Clarify [68]. Having considered the motions, the Court finds that they are both moot.

Plaintiff has represented himself throughout this litigation. After extensive motion practice, the parties engaged in protracted settlement negotiations with the assistance of United States Magistrate Judge Keith Ball. Those negotiations resulted in an apparent settlement agreement in early June 2010 that Defendant later sought to enforce. Def. Mot. [52]. Plaintiff then filed a motion [55] to amend his complaint. Before that motion was ruled upon, the parties resumed settlement negotiations before the magistrate judge. On July 6, 2010, Plaintiff drove from Florida to Mississippi to sign the release in Magistrate Judge Ball's chambers and to personally receive the settlement funds. Magistrate Judge Ball's July 6, 2010 minute entry indicated that the case was "finally and fully dismissed as to all parties," and Plaintiff apparently cashed the check. That same day, the undersigned entered a standard order of dismissal [57] ordering that "this case is hereby DISMISSED WITH PREJUDICE as to all parties." That order necessarily termed Plaintiff's motion to amend his complaint [55] which he filed before the settlement was consummated. Plaintiff appealed the dismissal, and Defendant filed a motion [59] seeking an order that Plaintiff post security in the amount of the allegedly cashed settlement

check.

Defendant's motion for security and Plaintiff's motion for clarification were both rendered moot when the Fifth Circuit Court of Appeals dismissed Plaintiff's appeal on September 13, 2010. The basis for Defendant's requested security no longer exists, and Plaintiff's request for clarification was premised on the need for such information for purposes of his appeal.

SO ORDERED AND ADJUDGED this the 17th day of September, 2010.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE